THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 25589 OF 1996

Date: 01.02.2007

Between:

P. Radhakrishna and another.

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Petitioners

and

The University of Health Science rep., by its Registrar, Vijayawada, Krishna District and two others.

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Respondents.

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 25589 OF 1996

ORDER:

Petitioners herein question the action of the respondents, in passing the impugned order dated 18.11.1996, refusing to regularize their services on the ground that they did not complete five years of service by 25.11.1993 as stipulated in G.O.Ms. No. 212 dated 22.04.1994. Petitioners would contend that, they have completed five years of service on the date of consideration of their cases for regularization and that they were continued in service on the cut off date i.e., on 25.11.1993 and therefore both the specified requirements were complied with. Petitioners would claim that five years of service was not required to be put in prior to 25.11.1993 and it would suffice if they have put in five years of service on the date of consideration and were in service on 25.11.1993. Reliance is placed by the petitioners on **Secretary, A.P. Social Welfare Residential Educational Institutions Society Vs. Venkata Kumari**[1].

Sri D.V. Nagarjunababu, learned Standing Counsel for the respondent-University, would submit

that, since G.O.Ms. No. 212 dated 22.04.1994 requires the five years service to be completed prior to the cut of date i.e., on 25.11.1993 the petitioners are not entitled for regularization.

The Division Bench of this Court in **P. Venkata Kumari**[1] held that G.O.Ms. No. 212 dated 22.04.1994 held the field till Act 27 of 1998 came into force and, since the interpretation placed by this Court, that for the purpose of getting their services regularized employees were not required to have five years service as on 25.11.1993, was upheld by the Supreme Court, compliance with the requirement of G.O.Ms. No. 212 subject to the interpretation of this Court was mandatory.

While Sri M. Subbareddy, learned Counsel for the petitioner would claim relief in accordance with the order of the Division Bench in **P. Venkata Kumari**[1], Sri D.V. Nagarjuna Babu Learned Standing Counsel would submit that an appeal has been preferred before the Supreme Court against the judgment of the Division Bench and that matter is still pending before the Supreme Court. The judgment of the Division Bench in **P. Venkata Kumari**[1] is binding on this Court and would continue to bind till it is set aside in appeal by the Supreme Court. The writ petition is therefore disposed of in accordance with and in terms of the Division Bench judgment of this Court in **P. Venkata**

Kumari[1].

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The writ petition is disposed of accordingly. No costs.

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Date: 01.02.2007 RAMESH RANGANATHAN, J

MRKR

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[1] 2001(3) ALT 366 (DB)